

Cruz v. Smith et al.
Exhibit List

- A. EXHIBIT A: Search Warrant
- B. EXHIBIT B: Affidavit of Zachary Cruz
- C. EXHIBIT C: Nagaishi recording transcripts
- D. EXHIBIT D: Lindsay Combs Secret Ex-Parte Motion
- E. EXHIBIT E: Email from AUSA Huber
- F. EXHIBIT F: Michael Phillips Affidavit
- G. EXHIBIT G: Inventory List of Seized Property
- H. EXHIBIT H: Email from Timothy Martin
- I. EXHIBIT I: Search Warrant Affidavit of Major Jenkins

EXHIBIT A (SEARCH WARRANT)

EXHIBIT B (AFFIDAVIT OF ZACHARY CRUZ)

EXHIBIT C (NAGAISHI RECORDING TRANSCRIPT)

EXHIBIT D (EX-PARTE MOTION)

EXHIBIT E (EMAIL FROM AUSA HUBER)

From: Huber, Ron (USAFAW) <Ron.Huber@usdoj.gov>
Sent: Tuesday, March 30, 2021 5:06 PM
To: Jay Nanavati <jnanavati@kfaw.com>
Cc: Marshall, Laura Colombi <L.Marshall@hunton.com>; O'Connell, Sean <SOConnell@hunton.com>; James, Charles E. <cjames@williamsmullen.com>
Subject: Response to Your E-mail of March 26, 2021

Jay,

Thank you for your e-mail in which you supplemented information provided to this office by attorney Laura Marshall. As you are aware, the information Laura sent did not arrive until after your e-mail, but I assume you are supplementing the PowerPoint presentation that Ms. Marshall gave to the DOJ-Tax Division on March 4, 2021.

To be clear, there is no "joint" investigation between our office and the Shenandoah Valley Adult Protective Services ("APS"), Child Protective Services ("CPS") or any other state agency. It is my understanding that the FBI did make a report to APS pertaining to Mr. Cruz, but this office was not a party to that referral. Further, this office has played no part in directing or participating in any way with any APS or CPS investigation, nor do we intend to do so.

I would like to address one issue raised in your correspondence. In your e-mail you note that that, according to Mario Williams, on February 8, 2021, I stated to Mr. Williams there was no coordination with APS and that I acknowledged that "such coordination would be improper." As noted above, this office played no role in the referral FBI made to APS. In fact, I am unsure about the exact date such referral was made but understand it to have been on or about February 2 or 3, 2021. I understand that under certain circumstances the FBI may have an obligation to report certain findings to a state agency. What I conveyed to Mr. Williams during our February 8, 2021 conversation is just what I have outlined above. That is, it would be improper for this office to "direct" or "coordinate" an APS investigation. We are ever mindful of our obligation to avoid impermissible contact with represented persons and have given express guidance to the FBI as to how they should conduct themselves in order to avoid any impermissible contact with represented persons or to use the APS investigation in any way to further our investigation.

I acknowledge your request for a meeting to explore potential for cooperation and resolving any matter under investigation and will certainly contact you in this regard at the appropriate time.

Best,

Ron

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EXHIBIT F (MICHAEL PHILLIPS AFFIDAVIT)

EXHIBIT G (INVENTORY LIST OF SEIZED PROPERTY)

EXHIBIT H (EMAIL FROM TIMOTHY MARTIN)

EXHIBIT I (SEARCH WARRANT AFFIDAVIT FROM MAJOR JENKINS)
